

ORDINANCE NO. 20081120-096

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2323 SOUTH LAMAR BOULEVARD, 2315 SOUTH LAMAR BOULEVARD, AND 2421 BLUEBONNET LANE FROM FAMILY RESIDENCE (SF-2) DISTRICT AND GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACT ONE, COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT TWO, AND COMMUNITY COMMERCIAL-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY (GR-V-CO) COMBINING DISTRICT FOR TRACT THREE..

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district on the property described in Zoning Case No. C14-2008-0070, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From family residence (SF-3) district to limited office-conditional overlay (LO-CO) combining district.

A 0.295 acre (12,832 sq. ft.) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance;

Tract Two: From family residence (SF-3) district to community commercial-conditional overlay (GR-CO) combining district.

A 0.347 acre (15,097 sq. ft.) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance; and,

Tract Three: From general commercial services (CS) district to community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district.

A 1.241 acre (54,038 sq. ft.) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance (the "Property"),

locally known as 2323 South Lamar Boulevard, 2315 South Lamar Boulevard, and 2421 Bluebonnet Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. Access from the Property to Bluebonnet Lane is limited to one driveway cut.
- C. The following uses are prohibited uses of Tracts Two and Three:

- Automotive repair services
- Automotive sales
- Exterminating services
- Pawn shop services

- Automotive rentals
- Automotive washing (of any type)
- Funeral services

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on December 1, 2008.

PASSED AND APPROVED

November 20, 2008

§
§
§ _____
Will Wynn
Will Wynn
Mayor

APPROVED: _____
David Allan Smith
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
Shirley A. Gentry
City Clerk

EXHIBIT A

TRACT 1
FIELD NOTE DESCRIPTION OF A
12,832 SQUARE FEET (0.295 ACRE) TRACT OF LAND

DESCRIBING A 12,832 SQUARE FEET (0.295 ACRE) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), AND BEING ALL OF THAT CERTAIN CALLED 0.30 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO MARY JEANNETTE JOHNSON ROUW OF RECORD IN VOLUME 10663, PAGE 197, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN CALLED 227 S.F. TRACT QUITCLAIMED BY MARY JEANNETTE JOHNSON ROUW AND ROBERT H. ROUW TO BLUE EYED INVESTMENTS CORPORATION AND R.L. WHEAT ENTERPRISES, INC. BY QUITCLAIM DEED OF RECORD IN DOCUMENT NO. 2003216109, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.); SAID 12,832 SQUARE FEET (S.F.) TRACT OF LAND HAVING BEEN CONVEYED TO TALISMAN PARTNERS, LTD. BY SPECIAL WARRANTY DEED OF RECORD IN DOCUMENT NO. 2005094008, O.P.R.T.C.T. AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod found in the easterly right-of-way (r.o.w.) line of Blue Bonnet Lane (a variable width r.o.w. at this location), for the northwest corner of said 0.295 acre tract, same being the southwest corner of that certain called 46,513 s.f. tract conveyed to Talisman Partners, Ltd. of record in Document No. 2003248089, O.P.R.T.C.T.;

THENCE departing the easterly R.O.W. line of said Blue Bonnet Lane, with the common line of the northerly line of said Talisman Partners 0.295 acre tract and the southerly line of said 46,513 s.f. tract the following two (2) courses and distances:

- 1) North 67 degrees 52 minutes 44 seconds East, a distance of 63.66 feet to a ½-inch iron rod found for an angle point of the herein described tract;
- 2) South 89 degrees 34 minutes 22 seconds East, a distance of 25.91 feet to a ½-inch iron rod with orange plastic cap stamped "Wallace Group" found for an angle point of the herein described tract;

THENCE North 86 degrees 17 minutes 26 seconds East, a distance of 79.13 feet with the common line of the northerly line of the herein described tract and the southerly line of said 46,513 s.f. tract;

Tract 1
Page 2

THENCE South 32 degrees 09 minutes 57 seconds West, a distance of 191.29 feet with the southeast line of said 0.295 acre Talisman tract, same being the northwest line of that certain called 0.389 acre tract conveyed to Gabriel M. Davis and Roberta E. Leahy by deed of record in Document No. 2000157804, O.P.R.T.C.T. to a ½-inch iron rod found in the easterly R.O.W. of said Blue Bonnet Lane for the most southerly corner of the herein described tract;

THENCE North 24 degrees 59 minutes 41 seconds West, a distance of 146.77 feet with the easterly R.O.W. line of said Blue Bonnet Lane, same being the westerly line of said 0.295 acre Talisman tract and the herein described tract to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 12,832 square feet (0.295 acre) of land, more or less, based on the survey made by The Wallace Group, Inc. on December 23, 2003 and March 30, 2007.



Vana H. Proffitt, R.P.L.S.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

02-01-2008



Bearings based on deed calls for the westerly line of the adjacent tract to the north recorded in Document No. 2000133679, O.P.R.T.C.T., same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet.;

EXHIBIT B

TRACT 2
FIELD NOTE DESCRIPTION OF A
15,097 SQUARE FEET (0.347 ACRE) TRACT

DESCRIBING A 15,097 SQUARE FEET (0.347 ACRE) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 46,513 S.F. TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO TALISMAN PARTNERS, LTD., RECORDED IN DOCUMENT NO. 2003248089, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.); SAID 15,097 S.F. TRACT ALSO BEING A PORTION OF LOT 1, PRECISION ADDITION, A SUBDIVISION OF RECORD IN VOLUME 89, PAGE 322, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.); SAID 15,097 S.F. TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod found in the easterly right-of-way (r.o.w.) line of Blue Bonnet Lane (a variable width r.o.w. at this location), at the northwest corner of a called 12,832 square feet (0.295 acre) tract of land having been conveyed to Talisman Partners, Ltd. by Special Warranty Deed of record in Document No. 2005094008, O.P.R.T.C.T.; same being the southwest corner of that certain called 46,513 s.f. tract conveyed to Talisman Partners, Ltd. of record in Document No. 2003248089, O.P.R.T.C.T.; and from said beginning point run the following eleven (11) courses and distances:

THENCE with the east line of Blue Bonnet Lane, a variable width right-of-way (r.o.w.) and the west line of said 46,513 s.f. tract, same being the west line of said Lot 2, Theodore Low Heights Subdivision by courses 1 and 2 as follows:

- 1) North 25°05'13" West, a distance of 56.68 feet to a ½-inch iron rod found at the southwest corner of a r.o.w. widening tract recorded in Volume 1753, Page 443, D.R.T.C.T.;
- 2) South 82°24'47" East, a distance of 6.02 feet to a ½-inch iron rod found at the southeast corner of said r.o.w. widening tract;

THENCE through the interior of said 46,513 s.f. tract and Lot 1, Precision Addition by courses 3 - 5 as follows:

- 3) South 81°26'52" East, a distance of 105.38 feet to a point for an interior ell corner;
- 4) North 10°27'00" East, a distance of 80.36 feet to a point for an exterior ell corner;
- 5) North 84°16'14" East, a distance of 155.08 feet to a point for the northeast corner of the herein described tract, same being the southwest corner of Tract A, F.M. Del Curto Resubdivision of Tract B of F.M. Del Curto Resubdivision of Lots 1 and 2 and Portions of Lots 3, 26, 27, 28, 29 & 30 of Delcrest Addition and of Lots 6, 7 and 8

Block A of Delcrest Addition Section 2, of record in Book 17, Page 90, P.R.T.C.T.; from which point a cotton spindle found bears South 83°50'34" East, a distance of 0.34 feet;

THENCE with the east line of said Lot 1, Precision Addition courses 6 and 7 as follows:

- 6) South 30°43'18" West, a distance of 125.65 feet to a ½-inch iron rod found;
- 7) South 15°26'52" West, a distance of 2.01 feet to a PK nail found in concrete footing of a rock wall at the southeast corner of said Lot 1, Precision Addition;

THENCE with the south line of said Lot 1, Precision Addition, and said 46,513 s.f. tract by courses 8-11 as follows:

- 8) North 70°17'27" West, a distance of 28.10 feet to a ½-inch iron rod found;
- 9) South 86°17'26" West, a distance of 79.13 feet to a ½-inch iron rod found with plastic cap stamped "Wallace Group" at an angle point;
- 10) North 89°34'22" West, a distance of 25.91 feet to a ½-inch iron rod found at an angle point;
- 11) South 67°52'44" West, a distance of 63.66 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 15,097 square feet (0.347 acres) of land, more or less, based on a survey made by The Wallace Group, Inc. on March 30, 2003 and January 30, 2007.



Vana H. Proffitt, R.P.L.S.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

02-01-2008



Bearings based on the westerly line of said tract as called for in deed of record in Document No. 2000133679, same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet;

EXHIBIT C

TRACT 3
FIELD NOTE DESCRIPTION OF A
54,038 SQUARE FEET (1.241 ACRE) TRACT

DESCRIBING A 54,038 SQUARE FOOT (S.F.) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 46,513 S.F. TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO TALISMAN PARTNERS, LTD., RECORDED IN DOCUMENT NO. 2003248089, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.); SAID 54,038 S.F. TRACT ALSO BEING A PORTION OF LOT 1, PRECISION ADDITION, A SUBDIVISION OF RECORD IN VOLUME 89, PAGE 322, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.); SAID 54,038 S.F. TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a cotton spindle found at the northeast corner of said Lot 1, Precision Addition; and from said beginning point run the following ten (10) courses and distances:

THENCE with the east line of said Lot 1, Precision Addition by course 1 as follows:

- 1) South 30°43'18" West, a distance of 176.32 feet to a point for corner at the southwest corner of Tract A, F.M. Del Curto Resubdivision of Tract B of F.M. Del Curto Resubdivision of Lots 1 and 2 and Portions of Lots 3, 26, 27, 28, 29 & 30 of Delcrest Addition and of Lots 6, 7 and 8 Block A of Delcrest Addition Section 2, of record in Book 17, Page 90, P.R.T.C.T.; from which point a cotton spindle found bears South 83°50'34" East, a distance of 0.34 feet;

THENCE through the interior of said Lot 1, Precision Addition, and said 46,513 s.f. tract by courses 2 - 4 as follows:

- 2) South 84°16'14" West, a distance of 155.08 feet to a point for an interior ell corner;
- 3) South 10°27'00" West, a distance of 80.36 feet to a point for an exterior ell corner;
- 4) North 81°26'52" West, a distance of 105.38 feet to a ½-inch iron rod found in asphalt in the east right-of-way (r.o.w.) line of Blue Bonnet Lane, a variable width roadway, as partially widened by instrument of record in Volume 1753, Page 443, D.R.T.C.T.; from which point a ½-inch iron rod found in the west line of said Lot 2, Theodore Low Heights Subdivision at the southwest corner of said r.o.w. widening tract recorded in Volume 1753, Page 443, D.R.T.C.T. bears North 82°24'47" West, a distance of 6.02 feet;

THENCE with the common line of the westerly line of said 46,513 s.f. tract and the easterly r.o.w. line of said Blue Bonnet Lane, by courses 5 and 6 as follows:

- 5) North 25 degrees 04 minutes 00 seconds West, a distance of 124.80 feet to a ½-inch iron rod found for the most southerly northwest corner of the herein described tract and said 46,513 s.f. tract, said point marking the southerly end of the cutback corner at the intersection of the easterly r.o.w. line of said Blue Bonnet Lane and the southerly r.o.w. line of South Lamar Boulevard (a roadway with a variable width r.o.w.);
- 6) North 29 degrees 02 minutes 50 seconds East, a distance of 46.15 feet to a ½-inch iron rod found for the most northerly northwest corner of the herein described tract and said 46,513 s.f. tract, said point marking the northerly end of the cutback corner at the intersection of the easterly r.o.w. line of said Blue Bonnet Lane and the southerly r.o.w. line of said South Lamar Boulevard, said point also being the beginning of a curve to the right;

THENCE with the common line of the southerly r.o.w. line of said South Lamar Boulevard and the northerly and easterly line of said 46,513 square feet tract and the northerly line of said Lot 1, Precision Addition by courses 7 - 10 as follows:

- 7) Along a curve to the right, with a radius of 1869.86 feet, an arc length of 238.75 feet, and a long chord bearing North 75 degrees 49 minutes 53 seconds East, a distance of 238.59 feet to a point for corner;
- 8) South 04 degrees 38 minutes 26 seconds West, a distance of 5.18 feet with the easterly line of said 46,513 s.f. tract to a cotton spindle found at the northwest corner of said Lot 1, Precision Addition; said point also being in the south line of a 5 foot wide r.o.w. strip dedicated per said Precision Addition plat;
- 9) Along a curve to the right, with a radius of 1864.86 feet, an arc length of 111.30 feet, and a long chord bearing North 81°05'01" East, a distance of 111.28 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 54,038 square feet (1.241 acres) of land, more or less, based on a survey made by The Wallace Group, Inc. on March 30, 2003 and January 30, 2007.



Vana H. Proffitt, R.P.L.S.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

02-01-2008



Bearings based on the westerly line of said tract as called for in deed of record in Document No. 2000133679, same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet;

SOUTH LAMAR BLVD.
(M.S. 10082)

ISAAC DECKER LEAGUE

TRACT 3
54,050 S.F. (1.241 AC.)
CS ZONING

CALLER 46,513 S.F.
(1.068 ACRES)
 OWNER: TALUSMAN PARTNERS, LTD.
 DOC. #Z003248088,
 O.P.R.I.C.T.

LOT 2, THEODORE LOW HEIGHTS SUBDIVISION
 VOL. 445, PG. 581,
 ADD. R.O.W. TO CITY OF AUSTIN
 VOL. 1751, PG. 443, O.P.R.I.C.T.
 *AS TOBACCO PER ORDINANCE NO. 388161C

CALLER 46,513 S.F.
(1.068 ACRES)
 OWNER: TALUSMAN PARTNERS, LTD.
 DOC. #Z003248088,
 O.P.R.I.C.T.

TRACT 2
15,097 S.F. (0.347 AC.)
SF-3 ZONING

OWNER: TALUSMAN PARTNERS, LTD.
 DOC. #Z007047478
 LOT 1, PRECISION ADDITION, BOOK 89, PG. 322, P.R.I.C.T.

OWNER: TALUSMAN PARTNERS, LTD.
 DOC. #Z007047478
 LOT 1, PRECISION ADDITION, BOOK 89, PG. 322, P.R.I.C.T.

TRACT 3
DESCRIPTION
POINT OF
BEGINNING

TRACT A,
 F.M. DEL CURTO RESUB. OF TRACT B OF F.M. DEL CURTO RESUBDIVISION OF LOTS 1 AND 2 AND PORTIONS OF LOTS 3, 26, 27, 28, 29 & 30 OF DELCREST ADDITION AND OF LOTS 6, 7 AND 8 BLOCK A OF DELCREST ADDITION SECTION 2,
 BK. 17 PG. 90, P.R.I.C.T.

TRACT B-1,
 F.M. DEL CURTO RESUB. OF TRACT B OF F.M. DEL CURTO RESUBDIVISION OF LOTS 1 AND 2 AND PORTIONS OF LOTS 3, 26, 27, 28, 29 & 30 OF DELCREST ADDITION AND OF LOTS 6, 7 AND 8 BLOCK A OF DELCREST ADDITION SECTION 2,
 BK. 17 PG. 90, P.R.I.C.T.

TALUSMAN PARTNERS, LTD.
 CALLED 0.295 ACRE
 DOC. #Z005094008,
 O.P.R.I.C.T.

TRACT 1
12,832 S.F.
(0.295 ACRE)
SF-3 ZONING

GABRIEL M. DAVIS
 & ROBERTA E. LEAHY
 CALLED 0.295 ACRE
 DOC. #Z000157804,
 O.P.R.I.C.T.
 9/29/2008

TRACTS 1 & 2
DESCRIPTION
POINT OF
BEGINNING

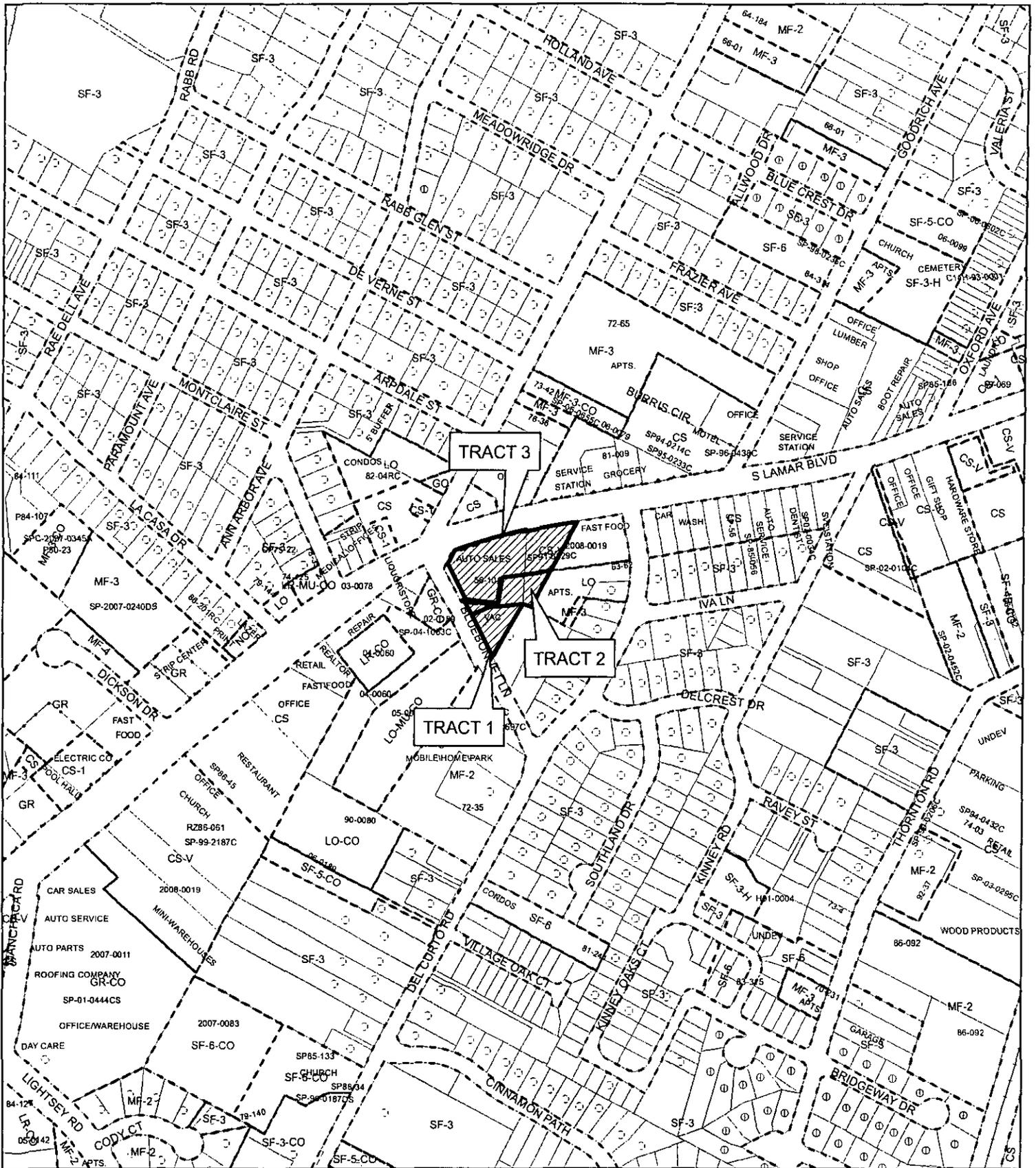
40' R.O.W. DEDICATION PER
 PLAT RECORDED IN
 VOL. 445, PG. 581, O.P.R.I.C.T.

BLUE BONNET LANE
(M.S. 10082)



TRACTS 1, 2 & 3
ZONING EXHIBIT

THE WALLACE GROUP, INC.
 ENGINEERS • PLANNERS • SURVEYORS
 OLD TOWN SQUARE
 ONE CHISHOLM TRAIL, SUITE 130
 ROUND ROCK, TEXAS 78681
 (512-248-0085) (FAX: 512-248-0389)



ZONING EXHIBIT D



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING CASE#: C14-2008-0070
 ADDRESS: 2323 S LAMAR BLVD
 SUBJECT AREA: 1.883 ACRES
 GRID: G20
 MANAGER: C. PATTERSON



OPERATOR: S. MEEKS

1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.